

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR195

RANDY L. SUMMERS,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to wire fraud and aggravated identity theft, in violation of 18 U.S.C. §§ 1343 and 2, and 1028A(a)(1), 1028A(c)(4), and 2. Defendant is also charged with use of an unauthorized access device (Count 1), additional counts of wire fraud (Counts 2, 4, 5, 6, 7, 8, 9, and 10), uttering forged securities (Counts 12, 13, 14, 15, and 16), and engaging in unlawful monetary transactions (Counts 17, and 18), in violation of 18 U.S.C. §§ 1029(a)(2) and 2; 1343 and 2; 1028A(1) and 2; 513(a) and 2; and 1957 and 2. Defendant understands that these charges will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

On January 18, 2008, defendant appeared before the Court for the purpose of entering his guilty pleas. He was represented by appointed counsel, Keith Kimball, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close

of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is thirty-one years of age, completed the twelfth grade, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered his guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

January 23, 2008